

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

Case No. 7:20-CR-00137-M-1

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	ORDER
MATTHEW BLAKE RUSSELL,	)	
	)	
Defendant.	)	

Before the court is the Defendant's Motion to Seal docket entry 78 [DE 79]. The Defendant's motion is not accompanied by a supporting memorandum.

Local Criminal Rule 55.2(a) provides that "[a] party desiring to file a document under seal must first file a motion seeking leave in accordance with Section V.G of the CM/ECF Policy Manual" (hereinafter "Policy Manual"). The Policy Manual provides that a "motion to seal may be filed without a supporting memorandum only if the filing party can cite a statute, rule, standing order or court order that requires the filing to be sealed." Policy Manual § V.G.1(a). Otherwise, the movant must submit a supporting memorandum specifying:

- (i) The exact document or item, or portions thereof, for which the filing under seal is requested;
- (ii) How such request to seal overcomes the common law or the First Amendment presumption to access;
- (iii) The specific qualities of the material at issue which justify sealing such material, taking into account the balance of competing interest in access;
- (iv) The reasons why alternatives to sealing are inadequate; and
- (v) Whether there is consent to the motion.

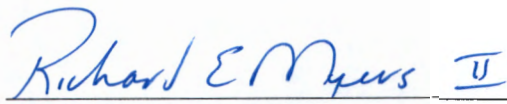
*Id.* The Policy Manual provides further that "[i]n addition to the motion and supporting

memorandum, the filing party must set out findings supporting these specifications in a proposed order to seal.”

The Defendant has failed to comply with Section V.G. of the Policy Manual, in that his motion does not cite a statute, rule, standing order, or court order requiring the sealing of docket entry 33. Moreover, Defendant’s motion is silent as to the legal basis for the proposed sealing of the document. Defendant states only that he “hereby requests that Docket Entry Number 78 be sealed.” DE 79. This statement does not meet the requirements of the Local Criminal Rules or the Section V.G. of the Policy Manual. Accordingly, the court finds it lacks sufficient information to properly consider the matter given the Defendant’s failure to comply with Local Criminal Rule 55.2(a).

For the foregoing reasons, the Defendant’s motion to seal [DE 79] is DENIED WITHOUT PREJUDICE.

SO ORDERED this 9<sup>th</sup> day of March, 2021.

  
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RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE